THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION Nos.19292 & 20819 of 2007

Dated: 05-10-2007

Between:

W.P.No.19292 of 2007

P.Nagi Reddy.

W.P.No.20819 of 2007

N.Krishna

...Petitioners

and

1.The Commissioner of Transport,
Hyderabad and 2 others.

...Respondents

THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT PETITION Nos.19292 & 20819 of 2007

Dated: 05-10-2007

Common Order: (Per The Hon'ble Sri Justice Bilal Nazki)

Heard learned Counsel for the parties. With their consent, the Writ Petitions are being disposed of at this stage. Since the subject matter involved in these Writ Petitions is common, they are being disposed of by a common order.

Writ Petition No.19292 of 2007 has been filed by the

petitioner, who claims to have purchased the vehicle bearing No.AP 9 U 0424 and Writ Petition No.20819 of 2007 has been filed by the registered owner of the said vehicle. It appears that the said vehicle has been seized as it was found that the tax for a particular period had not been paid.

The contention of the learned Counsel for the petitioners is that the vehicle was 15 years old and was sold as scrap and was being lifted for the purpose of dismantling.

These are the questions, which we cannot go in a Writ Petition, particularly, in view of the fact that the owner of the vehicle is bound by law to inform the authorities concerned in advance in writing that the vehicle was not in use. Therefore, such a plea cannot be even entertained.

In the interest of justice, we direct that the vehicle be released in favour of the registered owner i.e.., the petitioner in W.P.No.20819 of 2007 on payment of the tax due. However, the penalty may not be recovered for the time being as the petitioners have a remedy of filing appeal against penalty.

With these observations, the Writ Petitions are disposed of. No costs.

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(Bilal Nazki, J)

Dated 5th October, 2007

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(Ramesh Ranganathan, J)

Note:
Furnish CC within one week.
B/o
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